

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

TRALIK BEY, for the Estate of Troy C.  
Wallace,

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1/22/2020 3:28 pm

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
**ORDER LONG ISLAND OFFICE**  
19-CV-6324 (JMA) (SIL)

Plaintiff,

-against-

GERALDINE HART, Suffolk County, N.Y.  
Police Commissioner, et al.,

Defendants.

X

**AZRACK, United States District Judge:**

On November 12, 2019, incarcerated pro se plaintiff Tralik Bey (“Plaintiff”) filed a complaint against the Suffolk County Police Commissioner Geraldine Hart (“Commissioner Hart”), Suffolk County Police Officers Stallone (“P.O. Stallone”) and Michael Conrad (“P.O. Conrad”), and three unnamed individuals alleged to be P.O. Stallone’s partner, and the Commissioner and acting-Commissioner of the NYS Division of Criminal Justice Services (“John Does” and collectively, “Defendants”). (ECF No. 1.) Plaintiff brings this action on behalf of himself and the “Estate of Troy Wallace.”<sup>1</sup> Accompanying the complaint is an application to proceed in forma pauperis. However, Plaintiff did not file the required Prisoner Litigation Authorization form (“PLRA”). Accordingly, by Notice of Deficiency dated November 14, 2019, Plaintiff was instructed to complete and return the enclosed PLRA within fourteen (14) days in order for his case to proceed. (ECF No. 3.) On November 25, 2019, Plaintiff timely filed the PLRA. (ECF No. 7.)

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<sup>1</sup> Given Plaintiff’s pro se status, he may represent only himself in this action. 28 U.S.C. § 1654.

Upon review of Plaintiff's application to proceed in forma pauperis, the Court finds that Plaintiff's incomplete application does not sufficiently demonstrate that he is qualified by his financial status to proceed in forma pauperis. Plaintiff indicates that he has no money in a checking or savings account and has left blank questions five through eight on the form. As is readily apparent, the application submitted by Plaintiff does not permit the Court to conclude that he is qualified to proceed in forma pauperis. Thus, Plaintiff's application is denied without prejudice to a renewal thereof upon completion of the AO 239 in forma pauperis application form annexed to this Order. Under the circumstances, Plaintiff can best set forth his current financial position on the long form in forma pauperis application (AO 239). Plaintiff is directed to either remit the \$400.00 filing fee or complete and return the enclosed in forma pauperis application within fourteen (14) days from the date of this Order. Plaintiff is cautioned that a failure to timely comply with this Order will lead to the dismissal of the complaint without prejudice and judgment will enter.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk of Court shall mail a copy of this Order and the AO 239 in forma pauperis application form to Plaintiff at his last known address.

**SO ORDERED.**

Dated: January 22, 2020  
Central Islip, New York

/s/ (JMA)  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE